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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN ADENA, Deceased, by and through his Co-
Successors in Interest, CIRCE ADENA and
RICHARD ADENA; CIRCE ADENA, Individually,
and RICHARD ADENA, Individually,

Plaintiffs,

vs.

SHASTA COUNTY, a public entity; SHASTA
COUNTY SHERIFF-CORONER TOM BOSENKO,
in his individual capacity; CAPTAIN DAVE KENT;
SHASTA COUNTY JAIL DEPUTIES KIRK
SCHRITTER, DEVIN HURTE, DEPUTY DIAZ,
EMMANUEL ALCAZAR, ZACHARY
JURKIEWICZ, JOSEPH GRADY, NATHANIAL
NEVES, HECTOR CORTEZ; WELLPATH INC., a
Delaware corporation; WELLPATH
MANAGEMENT, INC., a Delaware Corporation;
WELLPATH LLC, a Delaware Limited Liability
Company; TRACY LEWIS, L.M.F.T.; PAM
JOHANSEN, L.C.S.W.; DANIEL DELLWO, P.A.;
and DOES 1–20; individually, jointly and severally,

Defendants.

Case No. 2:21-cv-00770-MCE-DMC

**STIPULATION AND ORDER TO
MODIFY PRETRIAL
SCHEDULING ORDER (ECF
Nos. 6, 21)**

1 The parties hereby stipulate and agree to modify the Scheduling Order in this matter (ECF
2 Nos. 6, 21), as follows:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail
4 personnel and Wellpath correctional health care personnel. The case involves seventeen named
5 Defendants represented by two separate law firms. The parties are represented by experienced
6 counsel who have worked together before on several cases, and counsel have worked cooperatively
7 throughout the litigation they have handled together.

8 2. Previous counsel for the County Defendants, Gary Brickwood, retired this year.
9 Mildred K. O'Linn, Lynn L. Carpenter, and Kayleigh A. Andersen took over the defense of the
10 County Defendants four months ago, on March 25, 2022. (ECF Nos. 25, 26). Mr. Brickwood had
11 not fully responded to Plaintiffs' request for production of documents before he retired. In addition
12 to learning the file in this case, new counsel have had to continue with the document production.

13 3. Plaintiffs' counsel's law firm, Haddad & Sherwin LLP, is a small firm with four
14 attorneys, two paralegals, and two support staff. One of the paralegals has been on maternity leave
15 since April 1, 2022. Also, Plaintiff's counsel's firm has been severely impacted by Covid-19.
16 Many of the employees at the firm have contracted Covid and required isolation and quarantine
17 beginning last summer, and continuing with reinfections of two employees last month, despite all
18 members of the firm being fully vaccinated and boosted against Covid.

19 4. Plaintiffs' counsel will be in trial in *Cuevas v. City of Tulare, et al.*, 1:19-cv-01525-
20 JLT-SAB, a complex catastrophic injury case involving the shooting of an unarmed woman who
21 was a passenger in a vehicle into which Tulare police officers shot multiple firearms. The *Cuevas*
22 case is going to trial on November 15, 2022. Immediately after the *Cuevas* trial, Plaintiffs' counsel
23 and the County Defendants' counsel in this matter will be in trial in *Barbosa v. Shasta County, et*
24 *al.*, 2:20-cv-02298-JAM-DMC, which involves the shooting of a man by a Shasta County Sheriff's

Sergeant. The *Barbosa* case is scheduled for trial on December 5, 2022. Due to delays necessitated by Covid-19 shutdowns, Plaintiffs' counsel's trial schedule has become compressed so that they have several trials scheduled in 2023. For example, in 2023 Plaintiffs' counsel are scheduled for trial in *Garcia v. Napa County, et al.*, N.D. Cal. Case No. 3:21-cv-03519 (police shooting), April 17, 2023; *Atayde v. State of California, et al.*, 1:16-cv-00398-DAD-SAB (suicide in custody), May 23, 2023; *Ainley v. City of South Lake Tahoe, et al.*, 2:16-cv-00049-TLN-CKD (police shooting), July 17, 2023; *Smart v. CHP*, 2:17-cv-01075-TLN-JDP (police shooting), August 21, 2023; *Silva v. San Joaquin County, et al.*, 2:20-cv-01461-JAM-KJN (jail suicide), October 9, 2023; and *Gonzalez v. City of Alameda*, N.D. Cal. Case No. 4:21-cv-09733-DMR (restraint asphyxia), on November 6, 2023. Plaintiffs' counsel also have ten other wrongful death cases not already listed.

5. In addition to the *Barbosa* case listed in Paragraph 4, counsel for the County Defendants currently have the following trials scheduled between January and July 2023: *Robinson v. City of Santa Monica, et al.*, Los Angeles Superior Court Case No. 21STCV22392; *Moses v. City of Colton, et al.*, U.S. Dist. Court – Central District Case No. 5:21-cv-02064-JWH-KKx; *Cato v. County of San Bernardino, et al.*, U.S. Dist. Court – Central District Case No. 5:20-CV-02602-FWS SHK; *Johnson v. City of Fresno, et al.*, Fresno Superior Court Case No. 21CECG00057; *I.A. et al., v. City of Redondo Beach, et al.*, U.S. Dist. Court – Central District Case No. CV-20-6447-DDP(JPRx); *Wagner v. Shasta County*, U.S. Dist. Court – Eastern District Case No. 2:20-cv-00403-JAM-DMC; *Jones v. County of Shasta, et al.*, Shasta Superior Court Case No. 199596; *Zaragoza/Cuevas v. County of Riverside, et al.*, U.S. Dist. Court – Central District Case No. 5:20-CV-01381-JGB-SP; and *Miller v. City of Fresno, et al.*, Fresno Superior Court Case No. 21CECG01286.

6. The parties therefore stipulate to an extension of the dates in this matter as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery	October 12, 2022	July 28, 2023
Expert Disclosures due	December 9, 2022	September 22, 2023
Rebuttal Expert Disclosures	January 6, 2023	October 27, 2023
Dispositive Motion filing deadline	February 3, 2023	December 29, 2023
Joint Notice of Trial Readiness (if no dispositive motions)	May 26, 2023	December 1, 2023

For the foregoing reasons, the parties respectfully request that this Court enter an Order modifying the schedule in this case as set forth above.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: August 8, 2022

HADDAD & SHERWIN LLP

/s/ Julia Sherwin

JULIA SHERWIN

Attorneys for Plaintiffs

Dated: August 8, 2022

MANNING & KASS

ELLROD, RAMIREZ, TRESTER LLP

/s/ Kayleigh A. Andersen

MILDRED K. O'LINN

KAYLEIGH A. ANDERSEN

Attorneys for Defendants

SHASTA COUNTY; SHERIFF-CORONER TOM BOSENKO; SHASTA COUNTY JAIL CAPTAIN DAVE KENT; DEPUTIES KIRK SCHITTER, DEVIN HURTE, OMAR DIAZ, EMMANUEL ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH GRADY, NATHANIAL NEVES, and HECTOR CORTEZ

1
2 Dated: August 8, 2022

THE LAW OFFICES OF JEROME VARANINI

3 */s/ Jerome M. Varanini*

4 JEROME M. VARANINI


Attorneys for Defendants

5 WELLPATH INC.; WELLPATH MANAGEMENT,
6 INC.; WELLPATH LLC; TRACY LEWIS, L.M.F.T.;
7 PAM JOHANSEN, L.C.S.W.; and DANIEL
8 DELLWO, P.A.

9 **ORDER**

10 IT IS SO ORDERED.

11 DATED: August 15, 2022

12 
13 MORRISON C. ENGLAND, JR.
14 SENIOR UNITED STATES DISTRICT JUDGE
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